



P/1318-136

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Patent Application of:

Robert BARRITZ

Date: November 4, 2005

Serial No.: 09/933,540

Group Art Unit: 2126

Filed: August 20, 2001

Examiner: Thanh T. HA

For: METHOD AND SYSTEM FOR DETERMINING THE USE AND NON-USE
OF SOFTWARE PROGRAMS

Mail Stop AF
Commissioner for Patent
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated September 20, 2005 of the Primary Examiner finally rejecting claims 1-7 and 9-33.

The Appeal Fee (~~\$500 - Non-Small Entity~~; **\$250 - Small Entity**) is

- ☒ Enclosed
☐ Not required (fee paid in prior appeal)
☐ Charge to Deposit Account No. 15-0700

11/08/2005 MWOLDGE1 00000005 09933540

01 FC:2401

If ^{250.00} this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. §1.136(a), to extend the time for filing a response by the number of months which will avoid abandonment under 37 C.F.R. §1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700. In the event that the actual Appeal Fee is greater than the payment submitted herewith or is not enclosed, the Patent Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 4, 2005

MAX MOSKOWITZ

Name of applicant, assignee or
Registered Representative

Signature
November 4, 2005
Date of Signature

Respectfully submitted,

MAX MOSKOWITZ

Registration No.: 30,576

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700